

(1) and their labels failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: 3-7-62. Default—destruction.

DRUGS FOR VETERINARY USE

6909. Medicated feed. (F.D.C. No. 46853. S. No. 34-811 T.)

QUANTITY: 87 50-lb. bags at Colfax, N. Dak., in possession of Colfax Grain Co.

SHIPPED: 10-27-61, from Willmar, Minn.

LABEL IN PART: "Richland Quality 18% Pig Starter Medicated * * * Active Drug Ingredient Arsanilic Acid 0.0016%; Manganese Bacitracin 60 Grams Per Ton; Procaine Penicillin 20 Grams Per Ton Net Weight 50 Lbs. Manufactured by Colfax Grain Company, Colfax, North Dakota."

RESULTS OF INVESTIGATION: The article was manufactured by the dealer from arsanilic acid shipped in interstate commerce as described above. Analysis showed that the article contained 6 times the labeled amount of arsanilic acid.

LIBELED: 12-14-61, Dist. N. Dak.

CHARGE: 501(c)—while held for sale, the strength of the article differed from that which it purported to possess; 502(a)—the label statement "Arsanilic Acid 0.0016%" was false and misleading as applied to the article which contained an excess of that ingredient; 502(1)—the article was a drug composed in part of manganese bacitracin and procaine penicillin, and it was not from a batch with respect to which a certificate or release was in effect pursuant to 507 and it was not exempt from such certification since it contained less than the required amount of the active drug ingredient for the treatment of bacterial enteritis in swine for which it was intended, and in that the label failed to bear adequate directions and warnings for use by reason of failure on its label to bear the warning concerning the five day withdrawal prior to slaughter for human consumption, which warning was required by regulations for animal feeds containing an arsenical.

DISPOSITION: 3-2-62. Default—destruction.

6910. Medicated feed. (F.D.C. No. 46456. S. No. 6-008 T.)

QUANTITY: 30 100-lb. bags at Methuen, Mass.

SHIPPED: 7-14-61, from Deposit, N.Y., by Delaware Milling Co., Inc.

LABEL IN PART: "Pellets * * * Delaware Broiler Finisher Medicated * * * Active Drug Ingredients Dienestrol Diacetate 0.0035% Nicarbazin 0.0125% Arsanilic Acid 0.0090% * * * Feed Ingredients * * * Zinc Bacitracin * * * Manufactured by Delaware Milling Company, Inc. Deposit, N.Y."

RESULTS OF INVESTIGATION: Analysis showed that the article contained only a trace of arsanilic acid.

LIBELED: 9-14-61, Dist. Mass.

CHARGE: 501(c)—when shipped, the strength of the article differed from that which it purported to possess; 502(a)—the label statement "Arsanilic Acid 0.0090%" was false and misleading when applied to the article which contained less than the declared amount of arsanilic acid; and 502(1)—the article contained dienestrol diacetate, nicarbazin, arsanilic acid, and zinc bacitracin, and they were not from batches with respect to which a certificate or release had been issued pursuant to 507.

DISPOSITION: 11-21-61. Default—destruction.

DRUGS IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS*

6911. Amphetamine sulfate tablets. (F.D.C. No. 45558. S. Nos. 23-991 R, 24-251 R.)

INFORMATION FILED: 3-23-61, Dist. Kans., against John Richard Sallee.

ALLEGED VIOLATION: On 12-9-60, a number of unlabeled paper bags containing *amphetamine sulfate tablets* were caused to be shipped from Missouri to Kansas.

CHARGE: When shipped, the tablets failed to bear a label containing, 502(b) (1)—the name and place of business of the manufacturer, packer, or distributor; 502(b) (2)—an accurate statement of the quantity of contents in terms of numerical count; 502(e) (1)—the common or usual name of the drug; 502(f) (1)—adequate directions for use; 502(f) (2)—adequate warnings against use; and 503(b) (4)—the tablets were drugs subject to 503(b) (1) and they did not bear a label containing the statement "Caution: Federal law prohibits dispensing without prescription."

PLEA: Guilty.

DISPOSITION: 6-8-61. 1 year imprisonment to run concurrently with the sentence imposed on the defendant as reported in notices of judgment on drugs and devices, No. 6961 (F.D.C. No. 45254).

6912. Various prescription drugs. (F.D.C. No. 45932. S. Nos. 36-112 R, 36-114/18 R.)

QUANTITY: 2 ctns., 3 shopping bags, and 8,149 btl., pkgs., and/or boxes, having an approximate total value of \$5,000, at Palisades Park, N.J., in possession of Marshel Sales Co. (Samuel Udin).

SHIPPED: On unknown dates, by various drug handlers.

LABEL IN PART: (Some labels) "Complimentary," "Physician's Sample," or similar wording.

RESULTS OF INVESTIGATION: Some of the articles were unlabeled bottles which had been repacked by the dealer from physicians' samples received from various drug manufacturers' salesmen from outside the State of New Jersey. Some of the articles consisted of quantities of prescription drugs originally intended for use as samples for physicians and others lawfully engaged in dispensing prescription drugs, and bearing labels containing "Caution: Federal law prohibits dispensing without prescription" and the words "Complimentary," "Physicians Sample," or similar wording, and the names and addresses of manufacturers, packers, or distributors located outside the State of New Jersey.

LIBELED: 6-9-61, Dist. N.J.; amended libel 6-13-61.

CHARGE: 502(a)—while held for sale, the statements "Complimentary," "Physicians Sample," and similar wording borne on the labels of the articles of drug which had not yet been repacked by the dealer were false and misleading as applied to such articles in possession of a repacker and intended for sale and not intended for use as "complimentary—not for sale" samples for physicians and others lawfully engaged in dispensing prescription drugs; 502(b)—the repacked articles of drug failed to bear a label containing (1) the

*See also Nos. 6901, 6904, 6908.